IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 30006 of 2007(V)

PETITIONER:

RAJENDRAPRASAD, AGED 45 YEARS,
S/O.SUKUMARAN, PROPRIETOR,
BALARAMAPURAM HANDLOOM,
NAYANABHAVAN, MANCHA,
NEDUMANGAD, TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR
SRI.P.P.BIJU

RESPONDENT:

THE NEDUMANGAD MUNICIPALITY REP. BY
ITS SECRETARY, NEDUMANGAD, TRIVANDRUM.

BY ADV.MR.P.RAMAKRISHNAN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.30006 of 2007

- -

Dated: 9th October, 2007

JUDGMENT

Mr.P.Ramakrishnan, Standing Counsel takes notice on behalf of the respondent-Municipality.

2. The grievance of the petitioner is that the respondent-Municipality is going ahead constructing a compound wall in such a manner as to close down the petitioner's access to the public road lying in front of his shop completely. Reference was made by Mr.T.A.Unnikrishnan, counsel for the petitioner to the judgment of this court in **M.V.Joseph v. District Magistrate & Another** (1996 (2) KLJ 213). I am of the view that a competent civil court will be better equipped to adjudicate the issues that are likely to crop up. I therefore dispose of the Writ Petition relegating the petitioner to the remedy before the civil court. Mr.Unnikrishnan requested that status quo as obtaining today directed to be maintained for a period of one month. It is open to the petitioner to rely on judicial precedents which take the view that in extremely emergent matters, it will be open to the civil court to entertain suits even before the expiry of the statutory notice period. However, considering the submissions of the learned counsel for the petitioner and the proposal of the petitioner to

move the civil court, I direct both sides to maintain status quo as obtaining today as regards the proposed compound wall for a period of two weeks from today.

srd **PIUS C.KURIAKOSE, JUDGE**